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EXAMINER CHRISTMAN, KATHLEEN M				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/081,583

Applicant(s)

ROBINSON ET AL.

Examiner

Kathleen M Christman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Drawings***

1. The drawings were received on 07/30/2002. These drawings are accepted.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the notation "computer(s)" as it appears throughout the claims is unclear. In general it is unclear whether the text within the parenthesis is meant to represent an editing mark. The language "at least one computer" is recommended instead of this notation. The term "including any school or educational content that is created, managed or processed by said user" in claims 1 and 9 is indefinite. It is unclear as to exactly what documents the educational content refers to. Similarly the limitation "any details" in claims 4 and 23 is indefinite. The limitations "said teachers" and "said schools" in claim 8 lack antecedent basis. Claim 9 recites the limitation "administrators" twice in the second paragraph. It is unclear whether these recitations refer to the same entity or separate entities. The limitation "said schools" in claim 17 lacks antecedent basis in the claim. Further the limitations "said students, teacher, parent, or administrator" and "said educational content programs" in claim 26 lacks antecedent basis.

***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino et al (US 6149441) in view of Daniels et al (US 5310 349). Pellegrino et al teaches an educational system including: at least one server computer and at least one client computer including, respectively, sever and client processors (col. 3: 3-4) for executing server and client input and output elements for communication between said server and client computers (col. 2: 35-35), where the server computer further includes: a user database storing information related to users of said client computers wherein said users include students, teachers and administrator (Figure 1 elements 68 and 70); an educational content database (col. 2: 46-47); a user access means through which a user can create process or manage said educational content for said user's school (referred to as a lesson builder and described throughout the specification of Pellegrino); and a user management means for a systems administrator at said school to define what educational content said user's can create, manage or process (defined as a user management module see col. 26: 52- col. 27: 15), as in claim 1. The educational content residing in one or more databases (claim 2) is taught in col. 8: 27. A file creation means where said users can create a file and save said file so that said file is accessible only to said user that create said file (claim 5) and a file sharing means wherein the users that create said files can designate specific users or groups of users who are permitted access to said created files (claim 6) is taught in col. 16: 44-53 of Pellegrino et al. The server computer configured to be a web server and the client computers including a web browser (claim 7) is taught in col. 9: 14-20 of Pellegrino et al.

Pellegrino et al does not specifically teach that the user's of the system may be parents (claim 1); an email server which enables users of said school to send and receive email (claim 3); and a calendaring means wherein said users can process and manage calendar events (claim 4).

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Daniels clearly shows a parent, among other various types, user in Figure 1 element 36. E-mail is shown in at least Figure 5 and col. 8: 55-58. The calendaring functions are taught in the description of the "courseware scheduler" starting at col. 12: 1. It would have been obvious to one of ordinary skill in the art to incorporate the operations of Daniels into the invention of Pellegrino et al so as to allow parent's access to their children's records, allow convenient communication amongst user's of the system and to allow a teacher to conveniently schedule course times.

4. Claims 1, 2, 5-10, 13-16 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino et al (US 6149441) in view of Slider et al (US 6505031 B1). Pellegrino et al teaches an educational system including: at least one server computer and at least one client computer including, respectively, sever and client processors (col. 3: 3-4) for executing server and client input and output elements for communication between said server and client computers (col. 2: 35-35), where the server computer further includes: a user database storing information related to users of said client computers wherein said users include students, teachers and administrator (Figure 1 elements 68 and 70); an educational content database (col. 2: 46-47); a user access means through which a user can create process or manage said educational content for said user's school (referred to as a lesson builder and described throughout the specification of Pellegrino); and a user management means for a systems administrator at said school to define what educational content said user's can create, manage or process (defined as a user management module see col. 26: 52- col. 27: 15), as in claim 1. . The educational content residing in one or more databases (claims 2 and 10) is taught in col. 8: 27. A file creation means where said users can create a file and save said file so that said file is accessible only to said user that create said file (claims 5 and 13) and a file sharing means wherein the users that create said files can designate specific users or groups of users who are permitted access to said created files (claims 6 and 14) is taught in col. 16: 44-53 of Pellegrino et al. The server computer configured to be a web server and the client computers including a web browser (claims 7 and 15) is taught in col. 9: 14-20 of Pellegrino et al. A find member means wherein said users of may locate and find stored profiles information on any other user (claim 16) is taught in col. 26: 59-60. Pellegrino et al teaches a classroom means wherein

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said users can process and manage said educational content on a class basis (claim 27) in Figure 1 element 76, and its supporting description.

Pellegrino et al fails to specifically teach that a user of the system is a parent (claims 1 and 9) and that there is a directory service processor which maintains the relationship data between said schools and said users including which of said users belong to which of said schools (claims 8 and similar language in claim 9). Slider teaches parent users at least in Figure 1, element 36. The directory service processor functionality is described in col. 3: 31-61. It would have been obvious to one of ordinary skill in the art to incorporate the features of Slider et al into the Pellegrino et al system so as to allow parent's to monitor their child's progress and to allow the system to be implemented across multiple school districts.

5. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrino et al (US 6149441) in view of Slider (US 6505031 B1) as applied to claim 9 above, further in view of Daniels et al (US 5310349). Neither Pellegrino et al nor Slider et al specifically teach an e-mail server (claim 11), although Slider does teach the use of e-mail, nor calendaring means (claim 12). Daniels et al teaches the calendaring functions in the description of the "courseware scheduler" starting at col. 12: 1. It would have been obvious to one of ordinary skill in the art to incorporate the operations of Daniels into the inventions of Pellegrino et al and Daniels et al so as to allow parent's access to their children's records, allow convenient communication amongst user's of the system and to allow a teacher to conveniently schedule course times.

6. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darago et al (US 6606664 B2). Darago teaches process for managing educational content including: at least one server computer and a plurality of client computers including, respectively, server and client processors for executing server and client input and output elements for communication between said server and client computers (see Figure 2); the server computer further including: an information database, said database identifying educational content programs that are offered to users of the client computers wherein users include students (the employees taking the courses) and administrators data identifying which of said

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users have access to which of said educational content programs and the user identification and password information for each user (See Figure 1); a third-party provider management means for a systems administrator to create manage and process what said educational content each of the users can access (col. 12: 28-31); and a processing means for responding to each of said user's request for educational content program (see Figure 7 and the section called "content server" starting in col. 13). The information residing in one or more databases (claim 18) is shown in at least Figure 1 element 110. The client computers including a web browser (claim 19) are shown in col. 16: 10-17.

Darago does not use the specific limitation that the content is provided by a "third-party", that users of the system may be parents or teachers (claim 17) or that the server is configured to operate as a "Web Server". However, in the embodiment where the user has a sponsor and is an employee for the sponsor the educational content, which is not provided by the sponsor, becomes third-party by definition of the phrase. In an embodiment where the system is employed in an educational environment teachers and parents are old and well-known users of such systems. As such it would be obvious to allow them access to the material so as to allow parents to check the progress of their child and teachers to take continuing education courses. Finally, a web server (also known as an HTTP server) is defined as server software that uses HTTP to serve up HTML documents and any associated files and scripts requested by a client, such as a web browser. As this is the same functionality as describe in col. 13: 29-37 of Darago it is clear that the Darago et al system is capable of being used with a web server.

7. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slider et al (US 6505031 B1) in view of Daniels et al (US 5310349). Slider et al teaches a processing for managing educational content with school communities comprising: at least on server computer and plurality of client computers including, respectively, server and client processors for executing server and client input and output elements for communication between said server and client computer (col. 2 55-67), the server computer further including a community information database (col. 3: 32-47); a school community management means for a system administrator (col. 15: 32-38); and a directory service processor which maintains the relationship data between said school communities and said users (functionality is taught in

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col. 3: 31-61). The information database residing in on or more databases (as in claim 21) is taught in col. 3: 7-14. The access means including links related to the school community (claim 23) is taught in col. 3: 34-36.

Slider et al does not specifically teach a user database (claim 20), use of a bulletin board (claim 22) or a calendaring function (claim 24). Slider does however teach that a user may be a teacher student or administrator. Daniels teaches the functions of a user database in col. 5: 16-35. A bulletin board function is taught in Figure 14 and col. 8: 49-54. A calendaring function is taught in the description of the "course scheduler" starting at col. 12: 1. It would be obvious to one of ordinary skill in the art to implement the functional components of the Daniels et al system into the system of Slider et al so as to provide a virtual school environment that may be easily navigated by the user.

#### ***Allowable Subject Matter***

8. Claims 26 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Casey-Cholakis et al (US 6438353 B1) teaches a system and method including user database's, permission lists, and third-party content providers
  - b. Doak et al (US 5864869) teaches a management system for use in school systems
  - c. Roper (US 6270351 B1) teaches a system for tracking the progress of a user in an educational plan
  - d. Boys (US 6516340 B2) teaches a system and method for allowing a user to manage, process and create educational plans



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- e. Bergan et al (US 6322366 B1) teaches system and method for educational management within a school system
- f. Lotvin et al (US 5907831) teaches an educational system that allows for information to be presented from third-party sources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

  
Kathleen M. Christman

  
Teresa Walberg  
Supervisory Patent Examiner  
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